



Amendments to the Zoning Maps

What are Zoning Maps?

The Howard County Charter and Code empower the County Council to adopt maps dividing the County into zoning districts and regulations governing the use of land within these districts. Together, the zoning maps and regulations are the County's Comprehensive Zoning Plan.

The zoning district boundaries adopted by the County Council are shown on the County's official zoning maps, a set of 49 maps maintained by the Department of Planning and Zoning (DPZ). Prints of these maps can be viewed at, or ordered from, the Department.

Can the Zoning Maps be amended?

A petition to amend the Zoning Maps by rezoning a particular property (a piecemeal map amendment) may be submitted by an owner of the property, the DPZ, or a member of the Zoning Board. The Howard County Zoning Board makes decisions on these petitions.

The five members of the Howard County Council also sit as the Zoning Board. The Zoning Board has authority for piecemeal zoning map amendments. It also approves Preliminary Development Plans which show the overall pattern of land uses, and are the required first step for developing property in several zoning districts.

How is a Zoning Board application submitted?

Applications and instructions are available from DPZ. Department personnel will accept the application and required fee, ensure that the petition is complete, and coordinate scheduling and advertising for the required public hearing.

A Zoning Board petition may be submitted at any time, except when a proposed Comprehensive Zoning Plan is under consideration (see the brochure on the Comprehensive Zoning Plan). The Zoning Board will hear and decide on petitions as they are received. However, the Board may not take final action on a petition after the date of the primary election during a year when councilmanic elections are held.

What is the Zoning Board process?

After receiving a complete application, the DPZ produces a Technical Staff Report, which includes comments from County and State agencies, an evaluation and a recommendation on the proposal. The Planning Board then holds a public meeting on the petition and makes a recommendation. Interested parties may comment on the proposal at the meeting.

After receiving the Planning Board recommendation and Technical Staff Report, the Zoning Board schedules a public hearing at which the petitioner and other interested parties may testify. After the public hearing, the Board discusses and votes on the petition at a work session. Work sessions are open to the public, but no more public comments can be received.

A written Decision and Order with the Zoning Board's action is issued after the work sessions. The Board's vote is not final until members sign the Decision and Order. The Decision and Order may be appealed to the Howard County Circuit Court within 30 days after it is issued.

How is the public notified?

The petitioner must take the following steps to notify the public of a Zoning Board petition:

- **Send written notice** of the meeting at least 30 days before the Planning Board meeting to relevant subscribers on the list maintained by the Department of Planning and Zoning. Subscribers on this list, which can include any interested person or organization, receive regular mailings from the Department with information on various development proposals.
- **Publish a legal notice** at least 30 days before the Zoning Board hearing advertising the hearing in two newspapers of general circulation in Howard County.
- **Send a certified letter** to adjoining property owners notifying them of the Zoning Board hearing.
- **Post the property** with a sign giving the date, time, place and subject matter of the application. The sign must remain posted for 30 days before and 15 days after the public hearing. Petitioners are also requested to post a sign advertising the Planning Board meeting at least 30 days prior to the meeting.

DPZ will provide petitioners with the text for the required written notices and the sign to post on the property.

How can citizens participate?

Interested citizens are strongly encouraged to take part in the zoning hearing process. Testimony to the Planning Board and Zoning Board may be made either orally or in writing. Written comments to the Planning Board may be submitted to the DPZ prior to the Planning Board's public meeting. Written comments to the Zoning Board may only be submitted during the time period and in accordance with the procedures announced by the Board at the public hearing. Individuals testifying at the Zoning Board hearing are sworn in and may be cross-examined by an attorney representing an opposing viewpoint.

In order to make the best decision possible, it is important that the Board have the benefit of the testimony of all interested parties. Community associations interested in a case are encouraged

to appoint an officer or representative to testify or present a resolution on their behalf. In order for testimony to be effective and useful to the Zoning Board, it must be related to the legal criteria upon which the Board must base its decision.

How are Zoning Board petitions evaluated?

The criteria used to evaluate petitions depend on the type of case.

■ Zoning Map Amendments

In accordance with State law, most petitions for zoning map amendments are judged by the "change or mistake rule." To grant a piecemeal map amendment, this rule requires the Zoning Board to find that a substantial change in the character of the neighborhood has occurred since the last Comprehensive Zoning Plan or that a mistake was made in the Comprehensive Zoning Plan in zoning the property. If the Zoning Board finds a change or mistake, it may approve the requested rezoning if it finds that the proposed zoning designation for the property would be more appropriate. The Board is not, however, compelled to approve the rezoning unless it finds that the existing zoning provides for no reasonable use of the property.

■ Site Plan Documentation

Applications for map amendments may employ the site plan option allowed by Section 100.G.2 of the Zoning Regulations. This option permits a petitioner to propose a specific site design and uses. If the Zoning Board makes the necessary findings to approve the rezoning, it may also approve the proposed site plan, which the developer is then obligated to follow. Any future substantive changes to this plan must be presented to the Zoning Board for its approval.

■ Floating Districts

Floating zoning districts are districts that are not mapped during Comprehensive Zoning but may only be placed on a property through a map amendment petition initiated by a property owner. The "change or mistake" rule does not apply to floating zones; instead, the Zoning Regulations list criteria, which must be met in order to approve a petition. The criteria address factors such as the location and size of the property and the type of road access available. Petitions for floating districts include a Preliminary Development Plan showing the general layout of the proposed development.

The largest floating district in the County is the New Town District, which covers Columbia. For more information see the brochure on "The New Town Zoning District".

■ Preliminary Development Plans

Most often, Preliminary Development Plans are proposed as part of a request to rezone land to a zoning district requiring the plan. However, applications for approval of a Preliminary Development Plan are sometimes submitted on their own for land already in the appropriate zoning district. In either case, the plan is evaluated based on a list of criteria given in the Zoning Regulations for the specific zoning district. These criteria address a variety of issues, including compatibility with neighboring land uses, landscaping and open space, roads and utilities and sensitive environmental features.

An important note...

This outline provides a general overview of the responsibilities of the Zoning Board. More detailed information is found in other documents including the County Code, the Zoning Regulations and the Zoning Board's Rules of Procedure.

For more information contact:

The Howard County Department of Planning and Zoning
(410) 313-2350, TTY 410-313-2323 or www.howardcountymd.gov or visit Planning & Zoning's Customer Service Center on the first floor of the George Howard Building, 3430 Courthouse Drive, Ellicott City, Maryland, 212043.

Office Hours are:

Monday through Friday
8:00 a.m. to 5:00 p.m.

Written inquiries may also be sent to our office at the above address.

Rev. 01/23/08